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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,003	08/01/2001	Mark Killmer	25720-702	5843

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EXAMINER
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ARTHUR JEANGLAUDE, GERTRUDE

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 08/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/921,003

Applicant(s)

KILLMER, MARK

Examiner

Gertrude Arthur-Jeanglaude

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 15-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/30/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Claims 1-14 are presented for examination. Claims 15-33 are withdrawn.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Guheen et al. (U.S. Patent No. 6,721,713).

As to claim 1, Guheen et al. disclose in Fig. 23C a computer program product including means for comparing (comparing products/services) a URL, title and/or content of an online site viewed by a user with a first index of keywords relating to a plurality of subject matter categories, to determine any subject matter categories to which the online site relates; means for cross-referencing any determined subject matter categories with a second index of alternative online sites categorized by subject matter, in order to determine any alternative online site in the same or similar category; and means for displaying any determined alternative online sites to the user (See col. 170, lines 30-66; col. 178, lines 20-36; col. 187, lines 1-65).

As to claims 5, 10, Gruheen et al discloses a method of comparative advertising in an online environment including the steps of analyzing an online site viewed by a user to identify products or subject matter advertised on the site; displaying to the user information relating to competing products or subject matter on alternative online sites (See col. 170, lines 56-65).

As to claim 2, Guheen et al. disclose a first and second indexes are contained in a database remote from the computer program product (See Fig. 3).

As to claims 3-4, 6-7, Guheen et al. disclose means for determining a geographic locality relating to the user; and means for determining any alternative sites in the same or proximate geographical locality to that relating to the user, so that the displaying means displays any of the determined alternative sites in the same or a similar subject matter category, that are also in the same or proximate geographical locality; and the step of determining a geographical locality relating to the user and only displaying alternative sites in the same or a proximate geographical locality wherein the geographical locality relating to the user is determined by analyzing the user's electronic address and/or the address of the online site viewed by the user (See col. 174, lines 62-67- col. 175, lines 1-2; Fig. 10).

As to claims 8-9, 11-12 Guheen et al. disclose the information displayed to the user includes hyperlinks to the alternative online site(s(considered as a link to related data) (See col. 170, lines 56-66) ; and further discloses the analysis step is performed by analyzing the URL, title and/or content of the online site (See col. 177, lines 21-66; col. 180, lines 20-42).

As to claims 13-14, Guheen et al. disclose the displayed information includes a price of the competing products; and including the steps of determining whether the competing product price is less than the price of the identified product on the online site viewed by the user, and I) if less, displaying the competing product price to the user; or ii) if not less, ascertaining a best price relating to the competing product and displaying the best price to the user or a value in-between (See Fig. 66; col. 170, lines 44-64).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gertrude Arthur-Jeanglaude whose telephone number is (571) 272-6954. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wiley David can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GAJ

*GAJ*

July 29, 2005

*Gertrude A. Jeanglaude*  
GERTRUDE A. JEANGLAUDE  
PRIMARY EXAMINER